

REMARKS/ARGUMENTS

The office action of October 4, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-14, 18-23, 27-35 and 43-44 remain in this application. Claims 15-17, 24-26 and 36-42 were previously canceled without prejudice or disclaimer. New claims 45-51 have been added.

Applicant notes with appreciation the indication that the application contains allowable subject matter. Specifically, claims 4, 19-22, 34 and 35 have been objected, but would be allowable if rewritten in independent form to include the subject matter of their base claim and any intervening claims. New claims 45-51 correspond to claims 4, 34, 35 and 19-22, written in independent form and are considered allowable.

Claim 23 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claim 23 to improve the clarity of the claim.

Claims 1-3, 13-14, 27, 32-33, and 43-44 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,370,262 to Kawabata. Applicant respectfully traverses this rejection.

The action alleges that Kawabata discloses all the elements of independent claims 1 and 27. Kawabata describes acquiring distance information from a sensor and using the distance information to identify distinct objects within an image. For example, in the "Field of the Invention" portion, Kawabata, at col. 1, lines 7-11 states "The present invention relates to an object information processing apparatus having . . . a function to divide an object *depending upon distance information*, in extraction of object information." (Emphasis supplied). Figs. 2A to 2E relied on by the action show "extraction of an object *from distance measurement data*". Col. 4, lines 1-2. (Emphasis supplied).

In contrast to Kawabata, the claim 1 invention, as amended, identifies at least one object with a 2D image without using distance measurement data and then allocates a depth tag to the at least one object. An illustrative advantage associated with the claim 1 invention is the ability to produce a depth map in situations where distance data is unknown and has not been measured. In

stark contradiction, Kawabata requires the depth data (or distance information) to be known before an object is even identified.

In view of the above, Kawabata lacks a teaching or suggestion of the claim 1 combination of features including identifying at least one object within a 2D image without using distance measurement data and allocating a depth tag to the at least one object.

Independent claim 27 is similarly distinguishable from Kawabata in that claim 27 calls for a method of encoding a depth map including allocating an object identifier to an object without using distance measurement data, and allocating a depth tag to the object.

The remaining pending claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of applied art. Specifically,

- claim 5 over the combination of Kawabata and U.S. patent no. 6,167,167 to Matsugu;
- claims 6-10 and 28-31 over the combination of Kawabata and U.S. patent no. 6,029,173 to Meek;
- claims 11-12 over the combination of Kawabata and U.S. patent no. 5,793,900 to Nourbakhsh;
- claim 18 over the combination of Kawabata and U.S. patent no. 6,055,330 to Eleftheriadis; and
- claim 23 over Kawabata alone.

Notwithstanding whether any of the above art is properly combinable with Kawabata, none of the other applied art overcomes the deficiencies identified with respect to Kawabata. For at least this reason, claim 1 and claims 2-14, 18-23 and 43, which ultimately depend from claim 1, and claim 27 and claims 28-35 and 44, which ultimately depend from claim 27, are patentably distinct from Kawabata alone or in combination with the applied art.

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Reply to Office Action of October 4, 2005

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

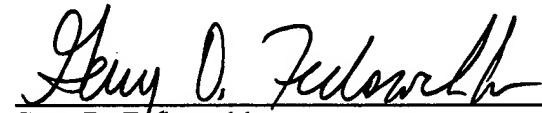
If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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